

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1470 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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GUJARAT LABOUR WELFARE BOARD

Versus

JAYSUKHLAL KALIDAS JOSHI  
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Appearance:

MR KM PATEL for Petitioner  
MR JR NANAVATI for Respondent No. 1  
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CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 18/02/2000

ORAL JUDGEMENT

The petitioner - Gujarat Labour Welfare Board  
challenges the judgement and order of the Appellate  
Authority under the Payment of Gratuities Act, passed on  
1st July, 1987, in Gratuity Appeal No. 2 of 1987,

directing the amount of gratuity to be paid to the present respondent. According to the petitioner, the said Act was not applicable to the petitioner because it was not a commercial establishment. It is pointed out that the question is now covered by a decision of this Court in Smt. Jayaben Suryakant Modi Vs. Welfare Commissioner, Gujarat Labour Welfare Board, reported in 37(3) G.L.R page 60, in which Hon'ble Mr. Justice M.R. Calla, while considering similar question in context of the petitioner Board itself has held that Section 1(3)(b) of the Payment of Gratuity Act applies to an establishment like the petitioner Board also for the purpose of payment of gratuity and the gratuity cannot be denied to the employees of the Board. The other point which is raised by the petitioner that the petitioner has its own gratuity scheme, is also admittedly covered by the same decision, as stated by the learned Counsel for the petitioner. In this view of the matter, there is no substance in the petition and is rejected. Rule is discharged with no order as to costs.

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